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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIESEL PROPS S.R.L. and
DIESEL KID S.R.L.,

Plaintiffs/Counter-Defendants,

-against-

GREYSTONE BUSINESS CREDIT II LLC
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs,

-against-

DIESEL S.p.A.,

Third-Party Defendant.

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Civil Action No.
07 CV 9580 (HB)

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT upon the accompanying Memorandum in Support of Motion to Dismiss and exhibits referenced therein, the Declaration of Carlo Pascotto, the Declaration of Ira S. Sacks in Support of Motion to Dismiss and the exhibit annexed thereto, and the pleadings and all prior proceedings had herein, Third-Party Defendant Diesel S.p.A (“SpA”), by and through its attorneys, Dreier LLP, hereby moves (the “Motion”) this Court before the Honorable Harold Baer, Jr., United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, for (a) an order pursuant to Rules 12(b), 12(b)(1) and/or

12(b)(3) of the Federal Rules of Civil Procedure, and/or this Court's authority to decline jurisdiction, dismissing the Third-Party Complaints of Defendants Greystone Business Credit II LLC ("Greystone") and Global Brand Marketing, Inc. ("GBMI") (together the "Third-Party Complaints") because applicable forum selection clauses mandate that such Third-Party Complaints be brought in Milan, Italy, and/or (b) an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Third-Party Complaints for failure to state a claim against SpA upon which relief may be granted, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 22, 2008

DREIER LLP

By: s/ Ira S. Sacks
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